

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PRENTICE RAY THOMAS,

Petitioner,

v.

SCOTT DEGOUGH, ET AL.,

Respondents.

Case No. 1:23-cv-00489-JLT-CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS; DENYING
PETITIONER'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
DISMISSING THIS CASE

(Doc. 9)

On May 23, 2023, the assigned magistrate judge issued findings and recommendations to dismiss Petitioner's 28 U.S.C. § 2254 petition and deny his motion to proceed in forma pauperis, finding that the claims raised are properly cognizable under 42 U.S.C § 1983 and that Petitioner had already filed a parallel § 1983 case. (Docs. 1, 7). The Court served the findings and recommendations on Petitioner and gave him 14-days to file objections thereto. As of the date of this Order, no objections have been filed. The findings and recommendations advised Petitioner that "failure to file objections within the specified time may result in the waiver of rights on appeal." (Doc. 9); *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998).

According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court concludes the findings and

1 recommendations are supported by the record and by proper analysis.

2 Based upon the foregoing, the Court **ORDERS**:

- 3 1. The findings and recommendations issued on May 23, 2023 (Doc. 9) are **ADOPTED**
4 **IN FULL**.
- 5 2. Petitioner's 28 U.S.C. § 2254 petition is **DISMISSED** for lack of jurisdiction. (Doc.
6 1).
- 7 3. Petitioner's Motion to Proceed in Forma Pauperis is **DENIED** as moot. (Doc. 7)
- 8 4. The Clerk of Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: **July 11, 2023**


UNITED STATES DISTRICT JUDGE